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| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|----------------|----------|------------|------------|
| 08/580,493 | 12/29/1995 | 3726 | 375 | | 4 | 20 | 2 |

CONFIRMATION NO. 5537

CORRECTED FILING RECEIPT



"OC00000006588782"

PHILLIPPE JEAN HENRI BERNA
MAS LIOTARD LES BROUSSES
F 30410
MOLIERES SUR CEZE,
FRANCE

Date Mailed: 09/17/2001

Receipt is acknowledged of a CPA in this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

PHILIPPE J.H. BERNA, MOLIERES SUR CEZ, FRANCE;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 08/321,589 10/12/1994 ABN
WHICH IS A CON OF 07/938,211 09/03/1992 ABN

Foreign Applications

UNITED STATES OF AMERICA PCT/FR91/00190 03/08/1991
FRANCE 90/02916 03/08/1990

If Required, Foreign Filing License Granted 09/17/2001

CPA filed on: 08/23/2001

Projected Publication Date: 12/27/2001

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

PROCESS FOR MAKING A VERSATILE CLAMPING DEVICE DESIGNED TO HOLD OBJECTS

Appn. Number: 08/580,493

Page 2 of 3

WITHOUT DAMAGING THEM, SUCH A DEVICE AND ITS USE

Preliminary Class

029

Data entry by : CHAPMAN, NOVA

Team : 3700

Date: 09/17/2001



11/16/01
#11 CTT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Number: 08/580,493

Appn. Filed: 1995 Dec 29

Applicant: Philippe Berna

Appn. Title: PROCESS FOR MAKING A VERSATILE CLAMPING DEVICE
DESIGNED TO HOLD OBJECTS WITHOUT DAMAGING THEM, SUCH A
DEVICE AND ITS USE.

Examiner/GAU: David Bryant/3726

Molières-sur-Cèze, France, 2001, November 16, Fri

COMPLAINT

Last Final Rejection Mailed 2001, March 16

Period for Filing a Response with Extension of 2 Months Expired 2001, August 16

Date FedEx delivered a Response at a PTO street address on 2001, August 16

Enclosed outstanding Filing Receipt Mailed 2001, September 17

Hon. Commissioner for Patents
Washington, District of Columbia 20231

Sir:

On 2001, August 16, at 09:13am was delivered by FedEx (please, see below a copy of the FedEx delivery information) at a street address of the PTO a request for continued examination in the form of a continuing patent application to above-mentioned application under old rule 37 C.F.R. 1.62. This address, which is 2900 Crystal Drive, Arlington, VA 22202, USA was indicated to applicant on phone number 1-800-PTO-9199 by a customer service officer, a woman, two days earlier, on 2001, August 14. FedEx now requires a street address to deliver. Surprisingly, the filing date which was given to this request by the people in charge at the PTO to check the applications has been 2001, August 23, i.e. seven days later (please, see below a copy of the filing receipt). And this request was also interpreted by same people as a Continuation Prosecution Application, which has motivated to petition the Commissioner for Patents on 2001, November 8 by facsimile transmission.

Normally, under rule 37 C.F.R. 1.6 (a) and (c), the filing date of a correspondence is the date at which the PTO receives this correspondence by post or by hand. As applicant heard from the Examiner on 2001, September 12 that in fact the filing date, which was given, was later than 2001, August 16, applicant paid as a provision one additional month extension of time fee: \$250.00 on 2001, September 13 by credit card and facsimile transmission. And the filing receipt of 2001, September 17 (please, see below a copy of it) confirmed that indeed this request received a filing date that was seven days later than the actual date at which this request reached the PTO. Yet, 2001, August 16 is a business day and is a priori not included in the Federal Holidays within the District of Columbia. D. Barfield signed the delivery receipt of FedEx. As applicant got no news on 2001, August 29, despite a receipt Self-Addressed properly Stamped Envelope (SASE) with list of sent items was enclosed in the correspondence, he phoned this person of the PTO

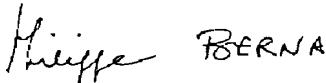
Appn. Number: 08/580,493

the same day. She told that her business was not to open the mail, just to transmit it to another person of the PTO whose name was D. Britt. And she gave to the applicant the phone number and the extension for reaching this another person: (703) 308 9401 extension 160. Applicant got on phone Mr. D. Britt several times between 2001, August 29 and September 5, asking him with perseverance to tell what filing date was given for the PTO to this correspondence. Mr. D. Britt asked the applicant two times the FedEx tracking number as well as the serial number. The first time, he told he would call the applicant back if the date given by the PTO would be later than 2001, August 16. He did not. The second time, he seemingly checked a computer screen and affirmed the applicant that the date given by the PTO was actually 2001, August 16. That leads to wonder why this filing receipt is a corrected one. Applicant never got in return the properly stamped for France (\$.80) receipt SASE with the list of items sent. Who did keep the stamps for his or her own use?

Already amendments sent by facsimile transmission on 2001, May 16 and 21, and correspondingly received by the PTO/unit 3720 at its number 703 305 3579 within its opening hours (respectively at 2.32pm and 3.34pm D.C. local time) were given a later date of receipt by one day. Also, these days were yet business days and a priori not included in the Federal Holidays within the District of Columbia. Applicant did not protest this time, because these late dates had almost no or little effect on the following part of the prosecution.

But today applicant asks with deference why dates of receipt later up to seven days than the actual dates of receipt could be given to correspondence received by hand or facsimile transmission by the PTO, and in particularly to this request for continued examination. And if in fact according to 37 C.F.R. 1.6 (a) and (c), 2001, August 16 should have been given as filing date to this request for continued examination, applicant respectfully entreats so that the fee of \$250.00 paid in excess on 2001, September 13 would be refunded to him. Applicant thanks very much in advance for the consideration, which will be given to this complaint.

Very respectfully submitted,



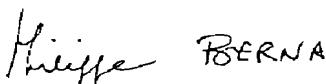
Philippe Berna, Applicant Pro Se

Mailing Address: Mas Liotard - Les Brousses, 30410 Molières-sur-Cèze, France;
Phone and Fax Number: (33) 46 624 3518

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper of five pages including this one and the three following ones for the copy of the delivery information from FedEx and for the copy of the filing receipt are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Philippe Berna



Signature

11/16/01

Date

Appn. Number: 08/580,493

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August 23, 2001

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Dear Q MIQ:

Our records reflect the following delivery information for the shipment with the tracking number 826628000680.

Delivery Information:

Signed For By: D.BARFIELD

Delivered to: "PATENT AND TRADE OFFICE"
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Delivery Date: August 16, 2001

Delivery Time: 09:13 AM

Shipping Information:

Tracking No: 826628000680

Ship Date: August 10, 2001

Shipper: BERNA PHILIPPE

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